

09/493,242
FR998-073

6

REMARKS

Claims 1-15 and 17-22 are all the claims presently pending in the application.

Entry of this §1.116 Amendment is proper. Since the amendments above narrow the issues for appeal and since such features were in the claims earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and is earnestly solicited.

This rejection is respectfully traversed in view of the following discussion. It is noted that the claims have been amended solely to more particularly point out Applicant's invention for the Examiner, and not for distinguishing over the prior art, narrowing the claim in view of the prior art, or for statutory requirements directed to patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1-15 and 17-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maxey (U.S. Patent No. 5,590,320)(hereinafter "Maxey").

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as defined for example in independent claim 1 (and substantially similarly in independent claims 11 and 14) is directed to a file manager for managing a plurality of files and locating a file from among different versions of a same file.

The invention was discussed in detail in the Amendments filed on April 14, 2003, and incorporated herein by reference. For convenience, the Examiner is referred thereto.

A feature of the present invention is a table for associating the file with a priority list of physical units, where the physical units store a plurality of versions of the file.

Specifically, the table includes a plurality of associations of a same file logical path name and a file name in a one-to-one correspondence with a plurality of physical units.

A further feature of the present invention is that each of the plurality of associations includes an association of a unique version of the file having the same file logical path name

09/493,242
FR998-073

7

and the file name such that each of the stored plurality of versions of the file are not duplicated.

With such a feature, duplication of a file is avoided and several versions of a file with a common logical identification can be saved (e.g. see page 3, lines 7-11 and page 6, lines 2-12).

An exemplary configuration of the file manager and method of using a file manager to locate different versions of a file, all having the same path referring to a same logical unit and a same identifier, is shown in Figs. 1-2 of the application.

The conventional network systems and methods, such as those discussed below and in the Related Art section of the present application, do not have such a structure and fail to provide for such an operation.

Indeed, such features are clearly not taught or suggested by the cited reference.

II. THE PRIOR ART REFERENCE

A. The Maxey Reference

The Examiner asserts:

[regarding claims 1, 11 and 14] Maxey discloses that the file manager provided for locating a file identified by a path referring to a unit and an identifier, table for associating the file with a priority list (pointer identifying any next predecessor file with the same name if extant in the physical data volume, col. 1, lines 66-67 to col. 2, lines 1-7, which teaches that the pointer points the order of same files, priority) of physical units (media locations), see (FIG. 2, col. 1, lines 66-67 to col. 2, lines 37-62, col. 4, lines 35-57);

wherein the physical units stores a plurality of versions of the file, see (Fig. 2, col. 4, lines 58-67 to col. 5, lines 1-22, the files are assumed to differ only in the time of creation or last editing i.e., the file's date stamp, which teaches for a plurality of versions of file); and wherein the table comprises a plurality of associations of a same file logical path name (subdir/c has same file logical path, Fig. 2) and a file name (col. 4, lines 65-67 to col. 5, lines 1-7) in a one-to-one correspondence with a

09/493,242
FR998-073

8

plurality of physical units, (Volume Subdir Instances), see (Fig. 2, col. 4, lines 58-67 to col. 5, lines 1-22); wherein each of the plurality of associations comprises an association of a unique version of the file having the same file logical path name and the file name, see (col. 1, lines 31-39, Fig. 2, col. 4, lines 58-67 to col. 5, lines 1-22, col. 1, lines 57-67 to col. 2, lines 109). Maxey discloses the table for associating the file, see (path table, and volume directory table, Fig. 2). Maxey does not explicitly disclose the priority list of physical units.

However, Uchinuma discloses the priority list of physical unit (volume subgroup on disk unit, for instance, table 5 has priority list with value 11 for volume subgroups 551 on disk (physical unit), 5, prioritized volume subgroup table, Fig. 1), see (Fig. 2, Fig. 2, col. 2, lines 12-20, col. 4, lines 8-67 to col. 5, lines 1-49).

Therefore, it would have been obvious a person having ordinary skill in the art the time invention was made to combine the priority list of physical units of the system of Uchinuma with the system of Maxey to provide the physical unit's priority list with file. Because the assigning priority value to physical unit with file association can provides file allocation to store and retrieve file with efficient way.

However, Applicant respectfully disagrees.

Firstly, Applicant respectfully submits that the Examiner still may not understand the present invention which is able to manage many versions of a same file.

Once again, and as discussed in the previous Amendments (e.g., filed on April 14, 2003, December 3, 2002, and July 2, 2002) none of the prior art cited by the Examiner performs any management of file versions. Instead the cited prior art, including Maxey, only disclose management of file copies on different physical support media.

That is, contrary to the Examiner's assertions above, Maxey does not perform the management of unique file versions as in the present invention. Maxey discloses a method to manage files having the same file name but different creation dates and different paths. This means that the corresponding application will allow storing and retrieving of files having the same file name on different logical paths. In order to retrieve one of the files which have been stored, the application of Maxey provides a choice on the date and on the most accessed.

In sharp and fundamental contrast, in the present invention there is a method to

09/493,242
FR998-073

9

manage files having the same file name and the same logical path. That is, in the present invention, a same logical path name handles a set of unique versions of the file on different physical support media. The access to a particular version or another is defined in the table (e.g., as shown for example in Fig. 1) by the use of the priority list.

Additionally, Maxey and the present invention are much different in that they solve entirely different problems. For example, in Maxey the problem is how to store and retrieve a same file on different physical supports which presents backup problems.

The problem solved by the present invention is how to store more than one unique version of a file without re-writing it using the same name and logical path name.

Thus, while the Examiner asserts (e.g., on page 3 of the Office Action) that Maxey teaches "*wherein the physical units stores a plurality of versions of the file*", as defined by independent claim 1, such assertions are erroneous. Further, while the Examiner asserts that "the files are assumed to differ only in the time of creation or last editing i.e., the files (sic) date stamp, which teaches for a plurality of versions of file (sic)", this assumption is also erroneous.

Specifically, in the present invention, as defined in independent claim 1 (and substantially similarly in independent claims 11 and 14) each of the versions are a "*unique version*". That is, in the present invention duplication of a version of a file is avoided.

As described in the example of the specification (e.g., see page 4, lines 16-20 of the specification) a first version of a file and an updated version of the file (e.g., a second version) are identified by a same file logical path name and a file name. The first version and the second version are unique versions as the second version is an update of the first version.

Further, the specification of the present invention describes that "when it is certain that versions 2 and 3 are equivalent, it is possible to remove version 2 from the priority list....It is even possible to delete version 2 in physical unit 2Y, which frees memory" (emphasis Applicant's) (e.g., see page 5, lines 17-20 of the specification).

While the Examiner submits that a duplicate file written to a different physical location at a different time is a version of a file, such a file is not a unique version of a file, as defined by independent claim 1. Instead, as described in the specification (e.g., see page 2, lines 15-23 of the specification), when three identical files are installed (e.g., at different times) there is useless duplication. This "useless duplication" is what the Examiner describes

09/493,242
FR998-073

10

in the Office Action.

In contrast, the object of the present invention is that *"several versions of a file with a common logical identification can be saved"* (e.g., see page 3, lines 9-10 of the specification). Further, in the claimed invention, "each of said stored plurality of versions of said file are not duplicated", as defined by independent claim 1 (and similarly by independent claims 11 and 14).

Further, in Maxey a duplicate file which only differs in terms of its date stamp is not a "unique version" of a file. Indeed, turning to Webster's New Universal Unabridged Dictionary, based on the second edition of The Random House Dictionary of the English Language, the Unabridged Edition, copyright 1993, 1987, Copyright © 1996 by Random House Value Publishing, p. 2115, "version" is defined as "a particular form or variant of something" (see Exhibit I). Further, on p. 2074, "unique" is defined as "1. existing as the only one or as the sole example; single; solitary in type or characteristics..... 2. having no like or equal" (see Exhibit II).

Thus, while the Examiner appears to submit in the Office Action (e.g., on page 3) that the files are assumed to differ only in the time of creation or last editing, such is not the case described by the specification nor indeed in the language of the claims. That is a file that only differs from another file in the date stamp is not a unique version of a file. Thus, Maxey does not teach or suggest *"wherein each of said plurality of associations comprises an association of a unique version of said file having said same file logical path name and said file name such that each of said stored plurality of versions of said file are not duplicated"*, as defined by independent claims 1, 11, and 14 of the present invention.

Further, even if Uchinuma were to be combined (arguendo) with Maxey, there would be no teaching or suggestion that each of the plurality of associations is an association of a unique version of the file. That is Uchinuma, like Maxey, is silent regarding such a feature.

Regarding dependent claim 5, the Examiner asserts in the Office Action that Maxey "discloses that the table defines for the file a physical unit with a write attributes (sic) that differs from a physical unit with a read attributes (sic)" (e.g., see page 4 of the Office Action). Applicant notes however that Maxey merely discloses *"optical compact disks are now being implemented using technologies which permit writing to disk"* (e.g., see column 1, lines 15-16 of Maxey). This is much different from the claimed invention in which a *"table defines for*

09/493,242
FR998-073

11

said file a physical unit with a write attribute that differs from a physical unit with a read attribute". Thus, contrary to the Examiner's assertions, Maxey is silent regarding such a feature.

Hence, turning to the clear language of independent claim 1 (and similarly of independent claims 11 and 14), there is no teaching or suggestion of "[a] file manager provided for locating a file identified by a path referring to a unit and an identifier, comprising:

a table for associating said file with a priority list of physical units, wherein said physical units store a plurality of versions of said file, and wherein said table comprises a plurality of associations of a same file logical path name and a file name in a one-to-one correspondence with a plurality of physical units, and wherein each of said plurality of associations comprises an association of a unique version of said file having said same file logical path name and said file name such that each of said stored plurality of versions of said file are not duplicated" (emphasis Applicant's).

For the reasons stated above, the claimed invention is fully patentable over Maxey and Uchinuma.

Additionally, dependent claims 2-10, 12-13, 15, and 17-22 when combined with their respective independent claims define additional novel and non-obvious features.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-15 and 17-22, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

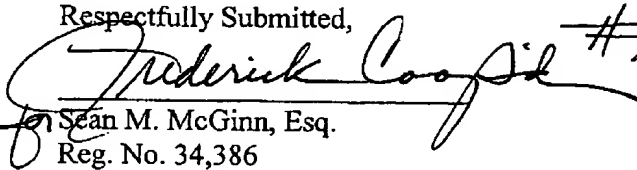
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

09/493,242
FR998-073

12

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to the Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

 #36,769
for Sean M. McGinn, Esq.
Reg. No. 34,386

Date:

9/9/03

McGinn & Gibb, PLLC

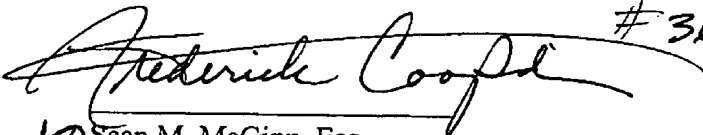
8321 Old Courthouse Rd. Suite 200

Vienna, VA 22182-3817

(703) 761-4100

Customer No. 21254**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that I am filing this Amendment by facsimile with the United States Patent and Trademark Office to Examiner Isaac M. Woo, Group Art Unit 2172 at fax number (703) 746-7238 this 9th day of September 2003.

 #36,769
for Sean M. McGinn, Esq.
Reg. No. 34,386

**RECEIVED
CENTRAL FAX CENTER**

SEP 10 2003

OFFICIAL